

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

- against -

ARQUIMEDES RUIZ,

Defendant.

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JOHN G. KOELTL, District Judge:

06 Cr. 410 (JGK)

MEMORANDUM OPINION AND  
ORDER

The pro se defendant moves pursuant to 18 U.S.C. § 3582(c)(2) for a reduction in his sentence in light of Amendment 782 to the United States Sentencing Guidelines, which generally reduced the offense levels for controlled substance offenses by two levels.

On June 15, 2012, the Court sentenced the defendant principally to 144 months' imprisonment to run concurrently on Counts 1 and 2 of the Superceding Information. The Court concluded that the defendant's adjusted offense level was 35, his Criminal History Category was II, and the defendant's Guidelines Sentencing Range was 188 months to 235 months. After a two-level reduction, the defendant's new offense level would be 33, which, at Criminal History Category II, results in an amended Guidelines Range of 151 to 188 months. Because the Court imposed a sentence that is below the minimum Guideline of the amended Guidelines Range, and because the Court's initial variance was not based on the defendant's substantial assistance to the Government, the defendant is not eligible for a reduction

in sentence. See U.S.S.G. § 1B1.10(b)(2)(A) ("[T]he court shall not reduce the defendant's term of imprisonment . . . to a term that is less than the minimum of the amended guideline range."); Dillon v. United States, 560 U.S. 817, 822 (2010); see also United States v. Karkenny, No. 06cr143, 2015 WL 161616, at \*1 (S.D.N.Y. Jan. 13, 2015).

The defendant's motion for a reduction of his sentence is therefore **denied. The Clerk is directed to close Docket Nos. 42 and 47.**

**SO ORDERED.**

**Dated: New York, New York  
June 23, 2015**

\_\_\_\_\_/s/\_\_\_\_\_  
**John G. Koeltl**  
**United States District Judge**